

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

WILL INGRAM,

Plaintiff

VS.

ROBERT CASH, *et al.*,

Defendants

NO. 3:06-CV-10 (CDL)

**PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE**

**RECOMMENDATION**

On March 14, 2007, the undersigned issued an order that afforded plaintiff WILL INGRAM one **FINAL** opportunity to provide responses to the defendants' discovery requests.<sup>1</sup> Tab #25. On April 26, 2007, plaintiff filed a motion for dismissal *without* prejudice in which he alleges that "[d]ue to circumstances beyond Plaintiff's control he is unable at this time to comply with the Defendants' Requests for Production of Documents." Tab #27.

The defendants have litigated this case for over one year. To permit a dismissal without prejudice would be an undue burden on the defendants, and in light of plaintiff's failure to comply with the court's March 14<sup>th</sup> Order, IT IS RECOMMENDED that plaintiff's motion be DENIED and that his complaint be DISMISSED *with* prejudice. Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED this 1<sup>st</sup> day of MAY, 2007.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr." The signature is fluid and cursive, with "Claude" and "W." being more stylized.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup>The language in the March 14<sup>th</sup> Order was clear: "**IN SHORT, THIS IS PLAINTIFF'S LAST OPPORTUNITY TO COMPLY WITH DEFENDANTS' DISCOVERY REQUESTS!**" Tab #25 at 2.